

March 2, 2023

Thank you Senator Ron Latz, Representative Sandra Feist and Committee Members for listening to my testimony today. My name is Kay Bromelkamp.

I urge you to support SF997, critical legislation for our elder population. I am a founding member of Elder Voice Advocates and like my fellow members, we share experiences of abuse and neglect, pain and suffering, and injury and death of our loved ones in long-term care with no recourse under the law for harm when their claims die with them. Under the current law at Minnesota Statutes 573.01 and .02, justice for mothers and fathers who are injured or die due to negligence, is unattainable. The law operates as a disincentive for quality care.

Pre-pandemic, my mother resided in York Gardens of Edina assisted living for care related to her dementia and experienced ongoing neglect and abuse leading to injury and death. The physical abuse, emotional abuse, failure to provide basic food and water, and lack of assistance leading to multiple infections took its toll on her. She could not overcome the assault on her body. Prior to her death she told us: "my arms hurt, they are mean to me, I can't remember how I got my bruises or how I fell, I am hungry and wasn't fed; and there is a man that sleeps in my chair at the end of my bed." To this day we are haunted as we attributed these comments to her dementia, but we know them to be true after witnessing them on a camera and reviewing records.

When we brought our concerns to the facility we were not believed, our concerns were minimized and we were repeatedly told that "the care was checked off on her chart so therefore it was done."

In addition to our Mom's claims, **we had our own observations.** Unexplained bruises. Unshowered at times. Unchanged depends. Safety sensors unplugged. Finding our mom alone in her room at dinner time while all other residents were eating. Many mornings, still in bed, no cares given. Within one three-day span of time, from camera record, we observed her dentures and face not cleaned, no showers, no escort to meals which often meant no meal. We discovered the morning aide, would lock the door then stay and watch TV and/or sleep and not provide cares/meal to our mother (that was the man my mom said slept at the end of her bed). No medications given. Skipping safety checks at night. Being roughed up as the aide dresses her, with the aide stating yes she is being rough with her as my mom is "so frustrating" and repeatedly hits our Mom's leg. Yelled at and called a "grown ass adult" three times and stating she was acting like a child.

Our family would come most days - to help protect our mother and care for her. Every time we talked to the care staff and administration about our concerns, our mother was retaliated against and her cares got worse. On **three** different occasions, the facility disregarded our mother, providing no cares, for 16, 18 and 19 hours each. She lay in her own soil with no food , water, or Depends changes.

We reported the neglect and abuse of our mother to the Minnesota Department of Health. They performed an investigation and substantiated maltreatment of our mother. However, the substantiation came too late to help our mother since we were not notified of its completion until five months after her death. While we waited for the state to investigate our mother suffered retaliation from the staff, the maltreatment continued and she died. We later learned during the investigation initiated by submission of our own report to MAARC the facility had previously submitted their own report that falsely reported the severity of the abuse my mother endured. No fines were imposed by MDH as a result of the negligence, as the resident is deceased.

Even a small measure of accountability the administrative processes is extremely hard to achieve. Criminal claims are out of the control of families and are extremely rare against care providers even with egregious abuse and neglect. Families are left with a civil process only to find out the claims of horrific pain and suffering of their loved ones due to negligence leading to injury and death, died with them. The facility makes it really difficult for families to get any resolution while living and even more so after death. The facilities are not held accountable. We contemplated a legal claim of injury and death after our mother's death and were devastated to learn that we could not bring claims on her behalf. This needs to change.

We are the only state to not allow claims to survive. The time has come to change the law. Our growing elder population needs this change in law. They are significantly and disproportionately disadvantaged by the current lack of survivability from the rest of our population, given their advanced age, vulnerabilities, limited life span, and likelihood of death after injury. There currently is no justice for their harm, for their pain, for their suffering.

We wish we could have just been daughters to our mother in her last days. We are trying not to look back but rather look forward by focusing on care, dignity and protecting the rights of our most vulnerable.

When we made the decision to move our mother to assisted living our two guiding principles were that we kept her safe and she felt our constant love. ... She was loved, but she was not safe and we had no recourse under law to account for her harm.

Thank you for this opportunity to share my support for SF997.

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